

# **EXHIBIT A**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION**

<b>MASTER LENDING GROUP, LLC,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>CIVIL ACTION</b>
	)	<b>FILE NO. 4:21-cv-263</b>
<b>TRUIST BANK and WELLS FARGO</b>	)	
<b>BANK NATIONAL ASSOCIATION,</b>	)	
<b>INC.,</b>	)	
	)	
<b>Defendants.</b>		

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**THIRD-PARTY COMPLAINT**

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Defendants Truist Bank (“Truist”) and Wells Fargo Bank National Association, Inc. (“Wells Fargo”), pursuant to Rule 14(a)(1) of the Federal Rules of Civil Procedure and without waiving any objections to this action or any defenses to the claims asserted in the Complaint by Plaintiff Master Lending Group, LLC (“Master Lending”), hereby file this Third-Party Complaint against Hirsch & Tucker, LLC (“Hirsch & Tucker”), respectfully showing the Court as follows:

**JURISDICTION AND VENUE**

1.

Truist is a state-chartered bank registered to do business in the State of Georgia and is authorized to bring this action.

2.

Wells Fargo is a national banking association registered to do business in the State of Georgia and is authorized to bring this action.

3.

Hirsch & Tucker is a domestic limited liability company subject to the jurisdiction and venue of this Court, and venue is proper for the Third-Party Complaint in this Court.

4.

Hirsch & Tucker may be served with process in this action at the address of its principal office, 440 Mall Boulevard, Suite A, Savannah, Georgia 31406, or through any other means allowed by law.

### **FACTUAL ALLEGATIONS**

5.

On information and belief, at all times relevant hereto, Mr. Dean Emerson Flake was an accounts payable processor who performed work for Master Lending.

6.

On information and belief, at all times relevant hereto, Hirsch & Tucker employed Mr. Flake.

7.

On information and belief, while employed by Hirsch & Tucker, Mr. Flake began forging signatures on checks drawn on Master Lending's checking account and depositing them in his personal Wells Fargo account.

8.

In *United States of America v. Dean Emerson Flake*, United States District Court for the Southern District of Georgia, Savannah Division, No. 4:20-cr-00025-WTM-CLR (the "criminal case"), Mr. Flake was indicted for this alleged conduct.

9.

Mr. Flake later pleaded guilty and was sentenced by this Court to 20 months in federal prison followed by 13 months of home confinement.

10.

Master Lending has asserted this action against Truist and Wells Fargo based on Truist and Wells Fargo's handling of the checks deposited in Mr. Flake's personal Wells Fargo account.

11.

Hirsch & Tucker is or may be liable to Truist and/or Wells Fargo for all or part of Master Lending's claims in this action.

12.

Truist and Wells Fargo are required to defend themselves in this action, are incurring damages, losses, and expenses in connection with this matter, and face

potential liability to Master Lending arising out of Mr. Flake's alleged misconduct and criminal actions while he was employed by Hirsch & Tucker.

13.

At all times relevant to this action, Truist and Wells Fargo exercised ordinary care, acted prudently and in good faith, complied with reasonable commercial standards of the banking industry, and have not breached any duties and/or obligations allegedly owed to Master Lending.

14.

To the extent that Master Lending is entitled to any relief arising out of the events at issue, Hirsch & Tucker is the responsible party.

15.

To the extent that Master Lending is entitled to any relief against Truist or Wells Fargo, it is solely because of the conduct of Mr. Flake while he was employed by Hirsch & Tucker, and so Hirsch & Tucker should be liable to Truist and Wells Fargo for any such damages.

16.

Hirsch & Tucker should be liable for all of Truist and Wells Fargo's damages and legal fees incurred in defending Master Lending's claims.

17.

Truist and Wells Fargo deny that they are liable to Master Lending in any amount. If, however, Truist or Wells Fargo shall become obligated to Master

Lending, by judgment or otherwise, for any of the claims asserted in this action, Hirsch & Tucker is liable to and should indemnify Truist and Wells Fargo for the entire amount because its acts and omissions were the actual and proximate cause of the alleged injury, other liability, and/or Master Lending's alleged damages.

18.

In addition to indemnifying Truist and Wells Fargo for all amounts for which Truist or Wells Fargo may be found liable to Master Lending, equity and fairness further require that Hirsch & Tucker also bear Truist and Wells Fargo's defense costs, including their attorney's fees, incurred in defending this action.

WHEREFORE, Truist and Wells Fargo pray for the following relief:

- (a) that Hirsch & Tucker be added as a Third-Party Defendant in this action;
- (b) that process issue and be served on Hirsch & Tucker in accordance with law
- (c) that Truist and Wells Fargo be awarded all of their attorney's fees against Hirsch & Tucker that Truist and Wells Fargo incur defending this action; and
- (d) for such other and further relief for Truist and Wells Fargo as this Court deems just and proper under the circumstances.

Respectfully submitted, this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

*/s/ Victor L. Hayslip*

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Victor L. Hayslip,  
Admitted *Pro Hac Vice*

[vhayslip@burr.com](mailto:vhayslip@burr.com)

Benjamin B. Coulter,  
Admitted *Pro Hac Vice*

[bcoulter@burr.com](mailto:bcoulter@burr.com)

Kevin R. Stone  
Georgia Bar No. 830640

[kstone@burr.com](mailto:kstone@burr.com)

Joseph H. Stuhrenberg  
Georgia Bar No. 398537

[jstuhrenberg@burr.com](mailto:jstuhrenberg@burr.com)

*Attorneys for Defendants Truist Bank  
and Wells Fargo Bank National  
Association, Inc.*

**BURR & FORMAN LLP**  
171 Seventeenth Street, NW  
Suite 1100  
Atlanta, Georgia 30363  
Telephone: (404) 815-3000  
Facsimile: (404) 817-3244

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## CERTIFICATE OF SERVICE

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I hereby certify that on this this \_\_\_\_\_ day of \_\_\_\_\_, 2022, I electronically filed the foregoing **THIRD-PARTY COMPLAINT** with the Clerk of Court using the CM/ECF system, which will automatically send email notification of such filing to the following attorneys of record:

Dwight T. Feemster  
DUFFY & FEEMSTER, LLC  
340 Eisenhower Drive  
Suite 800, Second Floor  
Savannah, Georgia 31406

Jeffrey W. DeLoach  
EPPS, HOLLOWAY, DELOACH &  
HOIPKEMIER, LLC  
1220 Langford Drive  
Building 200, Suite 101  
Watkinsville, Georgia 30677

/s/ Victor L. Hayslip

Victor L. Hayslip,  
Admitted *Pro Hac Vice*  
[vhayslip@burr.com](mailto:vhayslip@burr.com)

Benjamin B. Coulter,  
Admitted *Pro Hac Vice*  
[bcoulter@burr.com](mailto:bcoulter@burr.com)

Kevin R. Stone  
Georgia Bar No. 830640  
[kstone@burr.com](mailto:kstone@burr.com)

Joseph H. Stuhrenberg  
Georgia Bar No. 398537  
[jstuhrenberg@burr.com](mailto:jstuhrenberg@burr.com)

*Attorneys for Defendants Truist Bank  
and Wells Fargo Bank National  
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171 Seventeenth Street, NW  
Suite 1100  
Atlanta, Georgia 30363  
Telephone: (404) 815-3000  
Facsimile: (404) 817-3244